

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1957

No. 455

UNITED STATES OF AMERICA, APPELLANT,

vs.

ROMUALDO CORES

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED SEPTEMBER 12, 1957

PROBABLE JURISDICTION NOTED NOVEMBER 12, 1957

Supreme Court of the United States

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APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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[fol. 1] **IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

THE UNITED STATES

—vs.—

ROMULO CORES

CRIMINAL DOCKET #9500

For U. S.:

Simon S. Cohen, U.S. Attorney

Harry W. Hultgren, Jr., Asst. U.S.D.A., Hartford,
Conn.

For Defendant:

Wm. A. Luedecker

Alfred R. Belinkie

955 Main Street

Bridgeport, Connecticut

J.S. 3

DOCKET ENTRIES

1957

5/7

Criminal Information filed charging violation of 8 USC 1282(c)—1 count—alien crewman remaining in U.S. in excess of time permitted by law.

5/7

Summons issued and together with copy of Information mailed to defendant.

6/10

Plea of guilty entered. Case continued for sentence under \$500.00 bond without surety.

6/24

Court orders plea of guilty withdrawn and case dismissed for lack of jurisdiction. Oral order entered. (Sanders, R.) (Smith, J.)

7/17

Notice Of Appeal To The Supreme Court Of The United States, filed by U.S. Attorney.

8/10

Amendment Of Notice Of Appeal To The Supreme Court of the United States, filed together with a portion of transcript.

[fol. 2] IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

(File endorsement omitted)

UNITED STATES OF AMERICA

v.

ROMUALDO CORES

(Alien Crewman Remaining in U.S. in Excess of Time
Permitted by Law)

NO. 9500 CRIMINAL

INFORMATION—filed May 7, 1957

The United States Attorney, through the Assistant
United States Attorney, charges:

On or about May 26, 1955 at Bethel, Connecticut, within
the jurisdiction of this court, ROMUALDO CORES, an
alien crewman and the defendant herein, having entered
the United States on April 27, 1955 at Philadelphia, Penn-
sylvania, on a conditional permit granted under Title 8,
Section 1282(a)(1) of the United States Code, did wilfully
and knowingly remain in the United States, to wit: Bethel,
Connecticut, in excess of the number of days allowed by
such permit.

In violation of Title 8, Section 1282(c) of the United
States Code.

/s/ SIMON S. COHEN
United States Attorney

/s/ HARRY W. HULTGREN, JR.
Assistant United States Attorney

[fol. 3] IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

(File Endorsement Omitted)
(Title Omitted)

TRANSCRIPT OF PROCEEDINGS—June 24, 1957

Before

HONORABLE J. JOSEPH SMITH, Chief Judge

APPEARANCE

For the Government

SIMON S. COHEN, ESQ., U. S. Attorney

By HARRY W. HULTGREN, JR., Assistant
U. S. Attorney

For the Defendant

WARREN A. LUEDECKER, ESQ.

[fol. 4] MR. HULTGREN: I would like to draw the Court's attention that he stayed in New York for about a year before coming to Connecticut.

THE COURT: In that case, in view of the ruling on the Tavares Case, I feel that he should be permitted to withdraw his plea.

MR. HULTGREN: I submit it as a matter of venue and he has to press that question before any plea or trial. There is no question that this is a violation.

THE COURT: Isn't there a question as to the jurisdiction of the Court in the District?

MR. HULTGREN: As I understood the Court's opinion it was merely venue and not jurisdiction.

THE COURT: It is jurisdiction.

MR. HULTGREN: In that case, I think probably the accused should withdraw his plea and the Government will dismiss—

THE COURT: The plea of Guilty may be withdrawn. The case may be dismissed for lack of jurisdiction.

I hereby certify that the foregoing is a true and correct transcript of the original notes as recorded by me before the Honorable J. Joseph Smith, Chief Judge.

/s/ BENJAMIN R. SANDERS
Official Reporter

[fol. 4a] IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

(File Endorsement Omitted)
(Title Omitted)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE
UNITED STATES—filed July 17, 1957

I. Notice is hereby given that the United States appeals to the Supreme Court of the United States from the order of June 24, 1957 dismissing the information which charged the defendant with a violation of 8 U.S.C. 1282 (c).

The appeal is taken pursuant to 18 U.S.C. 3731.

II. The clerk will please prepare a transcript of the record in this cause for transmission to the Clerk of the Supreme Court of the United States and include in said transcript the following:

1. Transcript of docket entries
2. Information
3. Order dismissing the information
4. Notice of appeal

III. The following question is presented by this appeal:

Whether an alien crewman who willfully and knowingly remains in the United States in excess of the number of days allowed by a [fol. 5] conditional permit, in violation of 8 U.S.C. 1282(c), is guilty of a continuing offense which may be prosecuted in the district court where such crewman is found after expiration of the period fixed in the permit.

/s/ SIMON S. COHEN
United States Attorney

/s/ HARRY W. HULTGREN, JR.
Assistant United States Attorney

[fols. 6-7] IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

(Title Omitted)

AMENDMENT OF NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES—filed August 10, 1957

The Notice of Appeal to the Supreme Court of the United States is hereby amended by striking subsection 3 of Section II reading: "Order dismissing the information" and inserting as subsection 3 of Section II the following:

"Transcript of proceedings wherein Plea of Guilty is withdrawn and the Information ordered dismissed for lack of jurisdiction."

Dated at Hartford, Connecticut, this 8th day of August, 1957.

/s/ SIMON S. COHEN
United States Attorney

/s/ HARRY W. HULTGREN, JR.
Assistant United States Attorney

Proof of Service Attached
(Omitted in Printing)

[fol. 8] Clerk's Certificate to foregoing transcript omitted
in printing

[fol. 9] • SUPREME COURT OF THE UNITED STATES

No. 455, October Term, 1957

UNITED STATES OF AMERICA, APPELLANT,

vs.

ROMUALDO CORES

APPEAL from the United States District Court for
the District of Connecticut.

ORDER NOTING PROBABLE JURISDICTION—November 12, 1957

The statement of jurisdiction in this case having been
submitted and considered by the Court, probable juris-
diction is noted and the case is transferred to the sum-
mary calendar.